

REABE SPRAYING SERVICE, INC.

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OCT 16 1997

FCC MAIL ROOM

MM97-182  
DOCKET FILE COPY ORIGINAL

October 7, 1997

Federal Communication Commission  
1919 M Street N.W.  
Washington, D.C. 20037

Re: Sept. 2, 1997 - Proposed Rule on Preemptive State &  
Local Zoning Laws in Siting DTU Towers  
Document # FCC 97-296

To Whom It May Concern:

I am an aerial applicator representing the Wisconsin Agricultural Aviation Association. I am concerned about taking away local zoning control concerning siting of towers. The FAA has not shown any concern for towers less than 500 ft. tall unless they are close to public airports. Their philosophy is that the uncontrolled airspace below 500 ft. is not the FAA's responsibility. However, there are numerous legal operations that can or must be conducted below 500 feet.

- 1) Take off and landings from private airports. FAA gives no consideration for private use airports. My company uses 5 private use airports in which we log approximately 10,000 take off and landing operations each summer. A few years ago a 300 ft. radio tower was constructed 1 mile off the end of a runway on our home airport. Because our airport is private use airport, the FAA saw no safety concern.
- 2) Helicopter flight activities are exempt from the 500 ft. restriction.
- 3) Ultra light aircrafts are exempt from the 500 ft. restriction.
- 4) Operations in sparsely populated areas if they avoid inhabited buildings and vehicles by 500 ft. have no minimum altitude.
- 5) Agricultural operations are exempt from the 500 ft. restrictions.

There are about 7000 ag aircraft in the U.S. which average about 400 hrs./year each. This means that ag aircraft are exposed to the risk of a tower strike a cumulative total of about 2.8

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million hrs./year (approx. 319.6 years of continuous flying for just 1 plane). A statistical study conducted by the Wisconsin Dept. of Transportation of aircraft tower strikes shows that 64% involve towers that did not exceed 250 ft. in height. Because the FAA does not get involved in siting towers that affect ag aviation, our only protection has been local or state zoning laws.

My problem is not that we could fly into an unknown tower, but that we have to work around these towers on a daily basis. An ag pilot has many distractions due to the many other visual and audio operations that go on during his flight. A tower with brace wires would be very hazardous if his attention was else where for just a moment. There is an unused 350 ft. tower about 6 miles from one of my airstrips which is situated between 4 fields that we regularly treat. Two of my pilots have told me of times that they "Almost hit the tower" because of some distraction. In 1972 I lost a helicopter when the pilot ran into a telephone line he knew about. In 1974 one of my pilots was killed when he flew into a power line he had flown over probably 300 times that summer.

Please do not put time restrictions on local zoning boards. These are generally part time citizen boards. Most Wisconsin local boards meet only once a month, and under law must announce all agenda items in the newspapers prior to the meetings. No decision can be made on any topic not given the required notice. It generally takes at least 2 meetings to get everyone that is affected by the requested zoning changes involved and because of scheduling conflicts it could take even longer.

I am afraid that in your haste to build the DTV towers, they will be put up in inappropriate locations simply because the local boards did not have time to look into all the facts. Once a tower is up - generally only an act of God will bring it down.

Sincerely,

A handwritten signature in cursive script, appearing to read "JR Reabe".

JR Reabe



# SANFORD-LEE COUNTY REGIONAL AIRPORT AUTHORITY

3000 Airport Road  
SANFORD, NORTH CAROLINA 27330

October 12, 1997

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Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

OCT 18 1997

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FCC MAIL ROOM

RE: MM-Docket No. 97-182

Dear Sir:

The Sanford-Lee County Airport Authority would like to go on record as being against Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities. This Authority is in the process of building a reliever airport in Lee County. Considerable time and expense on the part of the FAA, this Authority, state, and local governments have already gone into this project. It is the desire of all of the above that this airport, and all airports, be free from any hazard to air navigation. Our concerns are with both the possibility of physical obstruction and electronic interference. Allowing anyone to preempt sound ordinances designed to protect the flying public would be irresponsible.

Local governments are already overburdened by telecommunications companies and their requests to build towers. This proposed rule would eliminate any effectiveness that municipalities would have in dealing with these companies. Local governments would be placed in such an adverse position that there would be no regulation. Towers will be constructed without regard to other such important concerns as the environment, health affects on the population, and beautification efforts.

We urge you to deny this proposal.

Sincerely,

J. David Fisher, Jr.  
Secretary, Sanford-Lee County Airport Authority.

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10-8-97

Federal Communications Commission  
Washington DC

RE: Preemption of State and  
Local Zoning and Land Use  
Restrictions on the Siting,  
Placement and Construction  
of Broadcast station Trans-  
mission Facilities

MM Docket

No 97-182

All who are concerned,

I suffer from sickness caused by microwave towers and transmitters. Someday you, yes you who are reading this letter will be effected or a member of your family or loved one will be effected this way.

They are unhealthy, ugly and do not belong in communities.

Please please wake up, stop hiding under your bribe system and commence protecting the American people as you were originally established to do.

We are not "activist protesters or anti-government". There are a lot of very nice people out here who suffer symptoms of tinitus, attention deficit, heart and chest pains all KNOWN AND PROVEN THROUGH SUBSTANTIAL RESEARCH who suffer from these transmitters.

I do not believe that your organization will be able to over look these social health problems much longer. Now you suggest and propose legal mandate to over ride our local decisions and health concerns.

I OPPOSE THIS PROPOSED OUTRAGEOUS INFRINGEMENT ON OUR LOCAL ZONING AUTHORITIES.

Can't you take a few bribes and over look something else that won't hurt us? Please its going to effect you to over time. Read your research, don't be stupid quit turning your back on the reality of how these transmitters effect our health.

Please feel free to call or write . Let us decide.

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OFFICE OF  
COUNTY MANAGER



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SURRY COUNTY GOVERNMENT CENTER  
118 HAMBY ROAD, SUITE 329  
DOBSON, NC 27017

PHONE (910) 401-8201  
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FAX (910) 401-8217  
TDD (910) 401-8215

COUNTY OF SURRY

October 14, 1997

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

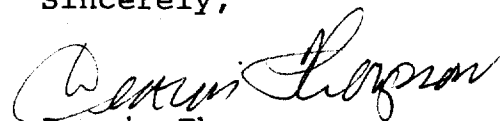
Dear Sirs:

Regarding Docket No. 97-182, Preemption of State and Local Zoning and Land Use Restrictions on the Siting, Placement and Construction of Broadcast Station Transmission Facilities, the Surry County Commissioners go on record opposing this proposed rule, since it is an infringement on local zoning and land use authority.

The right of local governments to enact and enforce land use regulations is well established. Broadcast station transmission facilities should be subject to the same use review process which is applicable to any other land use within a local government's jurisdiction. Compatible land use will ultimately be in the best interest of broadcast station transmission facility owners as well as the general public.

Thank you for considering our viewpoint.

Sincerely,

  
Dennis Thompson  
County Manager

DT/ba

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